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Attorneys for Plaintiff
PRAGER UNIVERSITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PRAGER UNIVERSITY,

Plaintiff,

vs.

GOOGLE LLC, a Delaware limited liability
company, YOUTUBE, LLC, a Delaware
limited liability company, and DOES 1-25,

Defendants.

Case No. 5:17-cv-06064-LHK

**NOTICE OF MOTION AND
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE BRIEF IN EXCESS OF
PAGE LIMIT BY 5 PAGES**

Judge: Hon. Lucy H. Koh

Trial Date: None Set

**NOTICE OF MOTION AND ADMINISTRATIVE MOTION FOR LEAVE TO FILE
BRIEF IN EXCESS OF PAGE LIMIT BY 5 PAGES**

PLEASE TAKE NOTICE that Plaintiff Prager University (“Plaintiff”) moves and respectfully requests the Court’s permission to exceed the 25-page limit for its Motion for a Preliminary Injunction (the “PI Motion”) by five (5) pages pursuant to Civil Local Rule 7-11. The relief, if granted, would permit Plaintiff to file a memorandum of points and authorities in support of its PI Motion (the “MPA”) up to, but not to exceed, 30 pages.

Good cause exists for the requested relief because the number and nature of the issues raised in the PI Motion and the MPA make it difficult to comply, despite significant efforts, with the 25-page limit permitted under the Court’s rules. Specifically, the issues in the PI Motion involve many issues of fact and law, including important issues involving state action and content-based restrictions on speech under the U.S. and California Constitutions, as well as the statutory and common law claims for relief.

Counsel for Plaintiff has conferred with counsel for Defendants Google LLC and YouTube, LLC, and counsel for Defendants has no objection to the request, provided that Plaintiff will not object to a reciprocal motion and request by Defendants to exceed page limits by and up to 5 pages, if such a motion and request becomes necessary, with respect to any opposition filed in response to Plaintiff’s PI Motion.

Plaintiff respectfully requests that the Court grant leave to file a memorandum of points and authorities in support of its PI Motion up to, but not to exceed, 30 pages.

DATED: December 20, 2017

Respectfully submitted,
BROWNE GEORGE ROSS LLP
Eric M. George
Peter Obstler
David S. Wakukawa

By: /s/ Peter Obstler

Peter Obstler
Attorneys for Plaintiff PRAGER UNIVERSITY

DECLARATION OF PETER OBSTLER

I, Peter Obstler, declare and state as follows:

1. I am an attorney at law, duly admitted to practice before this Court and all courts of the State of California. I am a partner with the firm of Browne George Ross LLP, counsel of record for Plaintiff in this matter. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could competently testify thereto.

2. In the course of drafting Plaintiff's Motion for Preliminary Injunction (the "PI Motion") and Memorandum of Points and Authorities in support thereof (the "MPA"), it became apparent that because of the number and nature of the issues raised, Plaintiff may require up to 5 pages in excess of the 25-page limit mandated under the Court's rules to adequately brief and argue those issues in its PI and opening MPA.

3. In drafting the PI Motion and MPA, I have made a diligent effort to meet the 25-page limit as permitted under the Court's rules. Despite making diligent efforts to comply with the 25-page limit, however, it has become apparent that an additional 5 pages may be necessary to thoroughly and adequately present Plaintiff's opening arguments to the Court. We also believe that a thorough and adequate presentation of Plaintiff's arguments will assist the Court in efficiently and fairly adjudicating this action, including important constitutional, statutory, and common law claims and defenses that will arise in the PI Motion proceedings.

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1 4. On December 19 and 20, 2017, I communicated by email with Brian Willen of Wilson
2 Sonsini Goodrich & Rosati, P.C., counsel of record in this action for Defendants Google LLC and
3 YouTube, LLC (“Defendants”). I informed Mr. Willen of Plaintiff’s intent to file this
4 administrative motion for an additional five pages. Mr. Willen replied that Defendants would not
5 oppose such a motion, provided that Plaintiff would not oppose a reciprocal request to exceed the
6 page limits by and up to an additional five pages, in the event that Defendants were to make such a
7 request to the Court in connection with their opposition to the PI Motion. I confirmed to
8 Defendants’ counsel that Plaintiff agreed not to oppose such a reciprocal request.

9 Executed this 20th day of December, 2017, at San Francisco, California.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

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13 /s/ Peter Obstler
14 PETER OBSTLER
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PROOF OF SERVICE

Prager University v. Google Inc., YouTube, LLC and Does 1-25
Case No. 5:17-cv-06064-LHK

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 101 California Street, Suite 1225, San Francisco, CA 94111.

On December 20, 2017, I served true copies of the following document(s) described as:

**NOTICE OF MOTION AND ADMINISTRATIVE MOTION FOR LEAVE TO
FILE BRIEF IN EXCESS OF PAGE LIMIT BY 5 PAGES;**

**[PROPOSED] ORDER GRANTING ADMINISTRATIVE MOTION FOR LEAVE
TO FILE BRIEF IN EXCESS OF PAGE LIMIT**

on the interested parties in this action as follows:

United States District Court – ND Cal.
Hon. Lucy H. Koh
Courtroom 8, 4th Floor
280 South First Street
San Jose, CA 95113

Courtesy copy by email to:
David Kramer and Brian Willen
Wilson Sonsini Goodrich & Rosati, P.C.
Email: DKramer@wsgr.com
Email: bwillen@wsgr.com

CHAMBERS COPIES

Counsel for Defendants Google LLC and
YouTube, LLC

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 20, 2017, at San Francisco, California.

/s/ Michael Terry
Michael Terry